

119TH CONGRESS
1ST SESSION

S. _____

To direct the Director of the National Institute of Standards and Technology to establish the Foundation for Standards and Metrology, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. COONS (for himself, Mr. YOUNG, Mr. HICKENLOOPER, and Mrs. FISCHER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To direct the Director of the National Institute of Standards and Technology to establish the Foundation for Standards and Metrology, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expanding Partner-
5 ships for Innovation and Competitiveness Act”.

6 **SEC. 2. FOUNDATION FOR STANDARDS AND METROLOGY.**

7 (a) IN GENERAL.—Subtitle B of title II of the Re-
8 search and Development, Competition, and Innovation Act

1 (42 U.S.C. 18931 et seq.) is amended by adding at the
2 end the following:

3 **“SEC. 10236. FOUNDATION FOR STANDARDS AND METROL-**
4 **OGY.**

5 “(a) ESTABLISHMENT.—The Secretary, acting
6 through the Director, shall establish a nonprofit corpora-
7 tion to be known as the ‘Foundation for Standards and
8 Metrology’ (in this section referred to as the ‘Founda-
9 tion’).

10 “(b) MISSION.—The mission of the Foundation shall
11 be—

12 “(1) to support the Institute in carrying out its
13 activities and mission to advance measurement
14 science, technical standards, and technology in ways
15 that enhance the economic security and prosperity of
16 the United States; and

17 “(2) to advance collaboration with researchers,
18 institutions of higher education, industry, and non-
19 profit and philanthropic organizations to accelerate
20 the development of technical standards, measure-
21 ment science, and the commercialization of emerging
22 technologies in the United States.

23 “(c) ACTIVITIES.—In carrying out its mission under
24 subsection (b), the Foundation may conduct the following:

1 “(1) Support international metrology and tech-
2 nical standards engagement activities.

3 “(2) Support studies, projects, and research on
4 metrology and the development of benchmarks and
5 technical standards infrastructure across the Insti-
6 tute’s mission areas.

7 “(3) Advance collaboration between the Insti-
8 tute and researchers, industry, nonprofit and philan-
9 thropic organizations, institutions of higher edu-
10 cation, federally funded research and development
11 centers, and State, Tribal, and local governments.

12 “(4) Support the expansion and improvement of
13 research facilities and infrastructure at the Institute
14 to advance the development of emerging tech-
15 nologies.

16 “(5) Support the commercialization of federally
17 funded research.

18 “(6) Conduct education and outreach activities.

19 “(7) Offer direct support to NIST associates,
20 including through the provision of fellowships,
21 grants, stipends, travel, health insurance, profes-
22 sional development training, housing, technical and
23 administrative assistance, recognition awards for
24 outstanding performance, and occupational safety

1 and awareness training and support, and other ap-
2 propriate expenditures.

3 “(8) Any other activity as determined necessary
4 by the Foundation to carry out its mission.

5 “(d) AUTHORITY OF THE FOUNDATION.—The Foun-
6 dation shall be the sole entity responsible for carrying out
7 the activities described in subsection (c).

8 “(e) STAKEHOLDER ENGAGEMENT.—The Founda-
9 tion shall convene, and may consult with, representatives
10 from the Institute, institutions of higher education, the
11 private sector, non-profit organizations, and commer-
12 cialization organizations to develop activities for the mis-
13 sion of the Foundation under subsection (b) and to ad-
14 vance the activities of the Foundation under subsection
15 (c).

16 “(f) LIMITATION.—The Foundation shall not be an
17 agency or instrumentality of the Federal Government.

18 “(g) SUPPORT.—The Foundation may receive, ad-
19 minister, solicit, accept, and use funds, gifts, devises, or
20 bequests, either absolutely or in trust of real or personal
21 property or any income therefrom or other interest there-
22 in, to support activities under subsection (c).

23 “(h) TAX EXEMPT STATUS.—The Board shall take
24 all necessary and appropriate steps to ensure the Founda-
25 tion is an organization described in section 501(c) of the

1 Internal Revenue Code of 1986 and exempt from taxation
2 under section 501(a) of such Code.

3 “(i) BOARD OF DIRECTORS.—

4 “(1) ESTABLISHMENT.—The Foundation shall
5 be governed by a Board of Directors (in this section
6 referred to as the ‘Board’).

7 “(2) COMPOSITION.—

8 “(A) IN GENERAL.—The Board shall be
9 composed of the following:

10 “(i) Eleven appointed voting members
11 described in subparagraph (B).

12 “(ii) Ex officio nonvoting members de-
13 scribed in subparagraph (C).

14 “(B) APPOINTED MEMBERS.—

15 “(i) INITIAL MEMBERS.—The Sec-
16 retary, acting through the Director, shall—

17 “(I) seek to enter into an agree-
18 ment with the National Academies of
19 Sciences, Engineering, and Medicine
20 to develop a list of individuals to serve
21 as members of the Board who are well
22 qualified and will meet the require-
23 ments of clauses (ii) and (iii); and

24 “(II) appoint the initial members
25 of the Board from such list, if appli-

1 cable, in consultation with the Na-
2 tional Academies of Sciences, Engi-
3 neering, and Medicine.

4 “(ii) REPRESENTATION.—The ap-
5 pointed members of the Board shall reflect
6 a broad cross-section of stakeholders
7 across diverse sectors, regions and commu-
8 nities, including from academia, private
9 sector entities, technical standards bodies,
10 the investment community, the philan-
11 thropic community, and other nonprofit or-
12 ganizations.

13 “(iii) EXPERIENCE.—The Secretary,
14 acting through the Director, shall ensure
15 the appointed members of the Board have
16 the experience and are qualified to provide
17 advice and information to advance the
18 Foundation’s mission, including in science
19 and technology research and development,
20 technical standards, education, technology
21 transfer, commercialization, or other as-
22 pects of the Foundation’s mission.

23 “(C) NONVOTING MEMBERS.—

1 “(i) EX OFFICIO MEMBERS.—The Di-
2 rector (or Director’s designee) shall be an
3 ex officio member of the Board.

4 “(ii) NO VOTING POWER.—The Direc-
5 tor (or Director’s designee), as an ex offi-
6 cio member in accordance with clause (i),
7 shall not have voting power on the Board.

8 “(3) CHAIR AND VICE CHAIR.—

9 “(A) IN GENERAL.—The Board shall des-
10 ignate, from among its voting members—

11 “(i) an individual to serve as the chair
12 of the Board; and

13 “(ii) an individual to serve as the vice
14 chair of the Board.

15 “(B) TERMS.—The term of service of the
16 Chair and Vice Chair of the Board shall end on
17 the earlier of—

18 “(i) the date that is 3 years after the
19 date on which the Chair or Vice Chair of
20 the Board, as applicable, is designated for
21 the respective position; and

22 “(ii) the last day of the term of serv-
23 ice of the member, as determined under
24 paragraph (4)(A), who is designated to be

1 Chair or Vice Chair of the Board, as appli-
2 cable.

3 “(C) REPRESENTATION.—The Chair and
4 Vice Chair of the Board—

5 “(i) may not be representatives of the
6 same area of subject matter expertise or
7 the same entity, as applicable; and

8 “(ii) may not be representatives of
9 any area of subject matter expertise or any
10 entity, as applicable, represented by the
11 immediately preceding Chair and Vice
12 Chair of the Board.

13 “(4) TERMS AND VACANCIES.—

14 “(A) TERM LIMITS.—Subject to subpara-
15 graph (B), the term of office of each member
16 of the Board shall be not more than 5 years,
17 except that a member of the Board may con-
18 tinue to serve after the expiration of the term
19 of such member until the expiration of the 180-
20 day period beginning on the date on which the
21 term of such member expires, if no new member
22 is appointed to replace the departing board
23 member.

24 “(B) INITIAL APPOINTED MEMBERS.—Of
25 the initial members of the Board appointed

1 under subparagraph (A), half of such members
2 shall serve for 4.5 years, and half of such mem-
3 bers shall serve for 5 years, as determined by
4 the Chair of the Board.

5 “(C) VACANCIES.—Any vacancy in the
6 membership of the appointed members of the
7 Board—

8 “(i) shall be filled in accordance with
9 the bylaws of the Foundation by an indi-
10 vidual capable of representing the same
11 area or entity, as applicable, as rep-
12 resented by the vacating board member
13 under paragraph (2)(B)(ii);

14 “(ii) shall not affect the power of the
15 remaining appointed members to carry out
16 the duties of the Board; and

17 “(iii) shall be filled by an individual
18 selected by the Board.

19 “(5) QUORUM.—A majority of the members of
20 the Board shall constitute a quorum for the pur-
21 poses of conducting the business of the Board.

22 “(6) DUTIES.—The Board shall carry out the
23 following:

24 “(A) Establish bylaws for the Foundation
25 in accordance with paragraph (7).

1 grants to the Foundation, including
2 appropriate limits on the ability of do-
3 nors to designate, by stipulation or re-
4 striction, the use or recipient of do-
5 nated funds.

6 “(II) The disposition of assets of
7 the Foundation.

8 “(iii) Policies that subject all employ-
9 ees, fellows, trainees, and other agents of
10 the Foundation (including appointed voting
11 members and ex officio members of the
12 Board) to conflict of interest standards.

13 “(iv) The specific duties of the Execu-
14 tive Director of the Foundation.

15 “(B) The bylaws of the Foundation and
16 activities carried out under such bylaws do
17 not—

18 “(i) reflect unfavorably upon the abil-
19 ity of the Foundation to carry out its re-
20 sponsibilities or official duties in a fair and
21 objective manner; or

22 “(ii) compromise, or appear to com-
23 promise, the integrity of any governmental
24 agency or program or any officer or em-

1 ployee employed by or involved in a govern-
2 mental agency or program.

3 “(8) RESTRICTION ON MEMBERSHIP.—No em-
4 ployee of the Department of Commerce may be ap-
5 pointed as a voting member of the Board.

6 “(9) COMPENSATION.—

7 “(A) IN GENERAL.—Members of the Board
8 may not receive compensation for serving on
9 the Board.

10 “(B) CERTAIN EXPENSES.—In accordance
11 with the bylaws of the Foundation, members of
12 the Board may be reimbursed for travel ex-
13 penses, including per diem in lieu of subsist-
14 ence, and other necessary expenses incurred in
15 carrying out the duties of the Board.

16 “(10) LIAISON REPRESENTATIVES.—The Sec-
17 retary, acting through the Director, shall designate
18 representatives from across the Institute to serve as
19 the liaisons to the Board and the Foundation.

20 “(11) PERSONAL LIABILITY OF BOARD MEM-
21 BERS.—The members of the Board shall not be per-
22 sonally liable, except in the case of malfeasance.

23 “(j) ADMINISTRATION.—

24 “(1) EXECUTIVE DIRECTOR.—

1 “(A) IN GENERAL.—The Foundation shall
2 have an Executive Director who shall be ap-
3 pointed by the Board, and who shall serve at
4 the pleasure of the Board, and for whom the
5 Board shall establish the rate of compensation.
6 Subject to the bylaws established under sub-
7 section (i)(7), the Executive Director shall be
8 responsible for the daily operations of the
9 Foundation in carrying out the activities of the
10 Foundation under subsection (c).

11 “(B) RESPONSIBILITIES.—In carrying out
12 the daily operations of the Foundation, the Ex-
13 ecutive Director of the Foundation shall carry
14 out the following:

15 “(i) Hire, promote, compensate, and
16 discharge officers and employees of the
17 Foundation and define the duties of such
18 officers and employees.

19 “(ii) Accept and administer donations
20 to the Foundation and administer the as-
21 sets of the Foundation.

22 “(iii) Enter into such contracts and
23 execute legal instruments as are appro-
24 priate in carrying out the activities of the
25 Foundation.

1 “(C) A description of the efforts the Foun-
2 dation will take to be transparent in the proc-
3 esses of the Foundation, including processes re-
4 lating to the following:

5 “(i) Grant awards, including selection,
6 review, and notification.

7 “(ii) Communication of past, current,
8 and future research priorities.

9 “(iii) Solicitation of and response to
10 public input on the priorities identified by
11 the Foundation.

12 “(D) A description of the financial goals
13 and benchmarks of the Foundation for the next
14 10 years.

15 “(E) A description of the efforts under-
16 taken by the Foundation to ensure maximum
17 complementarity and minimum redundancy
18 with investments made by the Institute.

19 “(5) REPORT.—

20 “(A) IN GENERAL.—Not later than 18
21 months after the establishment of the Founda-
22 tion and not later than February 1 of each year
23 thereafter, the Foundation shall publish a re-
24 port describing the activities of the Foundation
25 during the immediately preceding fiscal year.

1 Each such report shall include with respect to
2 such fiscal year a comprehensive statement of
3 the operations, activities, financial condition,
4 progress, and accomplishments of the Founda-
5 tion.

6 “(B) FINANCIAL CONDITION.—With re-
7 spect to the financial condition of the Founda-
8 tion, each report under subparagraph (A) shall
9 include the source, and a description of, all sup-
10 port under subsection (g) provided to the Foun-
11 dation. Each such report shall identify the per-
12 sons or entities from which such support is re-
13 ceived and include a specification of any restric-
14 tions on the purposes for which such support
15 may be used.

16 “(C) PUBLICATION.—The Foundation
17 shall make copies of each report submitted
18 under subparagraph (A) available—

19 “(i) for public inspection and shall,
20 upon request, provide a copy of the report
21 to any individual for a charge not to ex-
22 ceed the cost of providing such copy; and

23 “(ii) to the Committee on Science,
24 Space, and Technology of the House of
25 Representatives and the Committee on

1 Commerce, Science, and Transportation of
2 the Senate.

3 “(6) AUDITS AND DISCLOSURE.—The Founda-
4 tion shall—

5 “(A) provide for annual audits of the fi-
6 nancial condition of the Foundation, including a
7 full list of the Foundation’s donors and any re-
8 strictions on the purposes for which gifts to the
9 Foundation may be used; and

10 “(B) make such audits, and all other
11 records, documents, and other papers of the
12 Foundation, available to the Secretary and the
13 Comptroller General of the United States for
14 examination or audit.

15 “(7) EVALUATION BY COMPTROLLER GEN-
16 ERAL.—Not later than 5 years after the date on
17 which the Foundation is established, the Comptroller
18 General of the United States shall submit to the
19 Committee on Science, Space, and Technology of the
20 House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the Sen-
22 ate the following:

23 “(A) An evaluation of the following:

1 “(i) The extent to which the Founda-
2 tion is achieving the mission of the Foun-
3 dation.

4 “(ii) The operation of the Foundation.

5 “(B) Any recommendations on how the
6 Foundation may be improved.

7 “(k) INTEGRITY.—

8 “(1) IN GENERAL.—To ensure integrity in the
9 operations of the Foundation, the Board shall de-
10 velop and enforce procedures relating to standards
11 of conduct, financial disclosure statements, conflicts
12 of interest (including recusal and waiver rules), au-
13 dits, and any other matters determined appropriate
14 by the Board.

15 “(2) FINANCIAL CONFLICTS OF INTEREST.—To
16 mitigate conflicts of interest and risks from malign
17 foreign influence, any individual who is an officer,
18 employee, or member of the Board is prohibited
19 from any participation in deliberations by the Foun-
20 dation of a matter that would directly or predictably
21 affect any financial interest of any of the following:

22 “(A) Such individual.

23 “(B) A relative of such individual.

24 “(C) A business organization or other enti-
25 ty in which such individual or relative of such

1 individual has an interest, including an organi-
2 zation or other entity with which such indi-
3 vidual is negotiating employment.

4 “(l) INTELLECTUAL PROPERTY.—The Board shall
5 adopt written standards to govern the ownership and li-
6 censing of any intellectual property rights developed by the
7 Foundation or derived from the collaborative efforts of the
8 Foundation

9 “(m) FULL FAITH AND CREDIT.—The United States
10 shall not be liable for any debts, defaults, acts, or omis-
11 sions of the Foundation. The full faith and credit of the
12 United States shall not extend to any obligations of the
13 Foundation.

14 “(n) SUPPORT SERVICES.—The Secretary, acting
15 through the Director, may provide facilities, utilities, and
16 support services to the Foundation if it is determined by
17 the Director to be advantageous to the mission of the In-
18 stitute.

19 “(o) NONAPPLICABILITY.—Chapter 10 of title 5,
20 United States Code, shall not apply to the Foundation.

21 “(p) SEPARATE FUND ACCOUNTS.—The Board shall
22 ensure that amounts received pursuant to the authoriza-
23 tion of appropriations under subsection (q) are held in a
24 separate account from any other amounts received by the
25 Foundation.

1 “(q) AUTHORIZATION OF APPROPRIATIONS.—Not-
2 withstanding any other provision of law, from amounts au-
3 thorized to be appropriated for a fiscal year beginning
4 with fiscal year 2026 to the Secretary of Commerce pursu-
5 ant to section 10211, the Director may transfer not less
6 than \$500,000 and not more than \$1,250,000 to the
7 Foundation each such fiscal year.

8 “(r) DEFINITIONS.—In this section:

9 “(1) INSTITUTION OF HIGHER EDUCATION.—
10 The term ‘institution of higher education’ has the
11 meaning given such term in section 101 of the High-
12 er Education Act of 1965 (20 U.S.C. 1001).

13 “(2) NIST ASSOCIATE.—The term ‘NIST asso-
14 ciate’ means any guest researcher, facility user, vol-
15 unteer, or other nonemployee of the Institute who
16 conducts research or otherwise engages in an au-
17 thorized activity with personnel of the Institute or at
18 a facility of the Institute.

19 “(3) RELATIVE.—The term ‘relative’ has the
20 meaning given such term in section 13101 of title 5,
21 United States Code.

22 “(4) TECHNICAL STANDARD.—The term ‘tech-
23 nical standard’ has the meaning given such term in
24 section 12(d)(5) of the National Technology Trans-

1 fer and Advancement Act of 1995 (15 U.S.C. 272
2 note).”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in sections 1 and 10000 of Public Law 117–167 (136
5 Stat. 1366) are amended by inserting after the item relat-
6 ing to section 10235 the following:

“Sec. 10236. Foundation for Standards and Metrology.”.